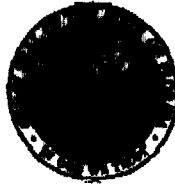


O'Brien

STATE OF FLORIDA

Commissioners:
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Public Service Commission

September 4, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: CC Docket No. 98-81 - 1998 Biennial Regulatory Review--Review of Accounting
and Cost Allocation Requirements

Dear Ms. Salas:

Enclosed are an original and 9 copies of the Florida Public Service Commission's Reply
Comments in the above-referenced docket.

Sincerely,

Cynthia B. Miller
Senior Attorney

CBM:jmb
Enclosure

cc: Brad Ramsay, NARUC
International Transcription Services, Inc.
Parties of Record

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**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the matter of:)	
)	
1998 Biennial Regulatory Review--)	CC DOCKET 98-81
Review of Accounting and Cost)	
Allocation Requirements)	
_____)	

REPLY COMMENTS OF THE FLORIDA PUBLIC SERVICE COMMISSION

On June 17, 1998, the Federal Communications Commission (FCC) released its Notice of Proposed Rule Making (NPRM) on the 1998 Biennial Regulatory Review--Review of Accounting and Cost Allocation Requirements in Docket No. 98-81 and on United States Telephone Association Petition for Rulemaking in ASD File No. 98-64. The FCC extended the reply comment due date to September 4, 1998. The Florida Public Service Commission (FPSC) submits the following reply comments that oppose the proposal by some parties to move toward reliance on GAAP only, recognize the need to retain the Class A system of accounts for the largest LECs, and suggest caution in delineating the threshold for determining which carriers are required to follow Class A system of accounts.

The Class A system of accounts for the largest LECs (and therefore Part 32) needs to remain for now. The FPSC strongly opposes, at this time, the proposal by some parties to move toward GAAP requirements only for Class A and Class B carriers.

Reply Comments - Florida Public Service Commission
September 4, 1998

The FPSC agrees with the FCC that there are several statutory obligations, in particular section 254(k), which prohibit cross subsidy by not allowing telecommunications carriers to use services that are not competitive to subsidize services that are subject to competition. The additional detail of Class A accounting may be needed to allow the scrutiny of accounts necessary to ensure that cross subsidy is not occurring.

Also, Section 272 requires a Bell Operating Company to obtain and pay for joint Federal/State audits every two years once a BOC meets the requirements of Section 271 and begins providing in-region interLATA services through a separate affiliate. Class A accounting should remain in place while these audits are in process in order for the states to assure themselves that transactions with these affiliates are on the required arm's-length basis.

In the NPRM, the FCC proposes to change the method of classification of the incumbent LECs which currently are either considered, for accounting purposes, Class A or Class B. Currently, "[c]arriers with annual operating revenues above a designated indexed revenue threshold, currently \$112 million, are classified as Class A; those with annual operating revenues below

Reply Comments - Florida Public Service Commission
September 4, 1998

the threshold are considered Class B."¹ The FCC proposes that if affiliated incumbent LECs' revenue in the aggregate totals less than \$7 billion, then each LEC in that group falls under Class B, even if the annual operating revenue of any individual LEC in that group exceeds \$112 million.² The proposed change results in Class A accounting applying only "to the Bell Operating Companies and the GTE Operating Companies."³ Based on annual operating revenues, this would cover about 90% of the LEC market nationwide.⁴

The FPSC is concerned about the potential impact of the proposed criteria for determining which LEC uses the Class A versus Class B system of accounts. For example, in Florida, the suggested benchmark of \$7 billion in aggregate revenues of affiliated incumbent LECs would result in Sprint-Florida, representing over 18% of the access lines in Florida, being allowed to use the Class B system of accounts. The FPSC believes that a LEC having over 18% of the access lines in a

¹ Public Notice. FCC 98-108, Docket No. 98-81 (rel. June 17, 1998), paragraph 3.

² Ibid., paragraph 4.

³ Ibid., paragraph 4.

⁴ Ibid.

Reply Comments - Florida Public Service Commission
September 4, 1998

state has a significant presence. The FPSC has no independent authority to prescribe a system of accounts for price-regulated LECs. If the FCC is concerned about the possibility of cost allocation between competitive activities and non-competitive activities, then the FCC should consider whether the level of detail required in Class A is necessary for the FCC implementing that type of review.

Thus, we urge the FCC to consider whether it and the states will be able to do a sufficient job under the Telecommunications Act if the criteria are altered as proposed. If the FCC expects the states to review embedded cost on cross-subsidy issues, for example, then Class A accounting may be necessary for the companies with a significant presence in Florida.

The FCC proposes that the mid-sized LECs be allowed to maintain their accounts, for CAM purposes, at the Class B level. The FCC also proposes that the audit requirement for the CAM be reduced for these carriers, which would reduce the costs to these carriers in complying with the audit requirement. The FPSC agrees with the FCC's proposal that the mid-size incumbent LECs be allowed to maintain their accounts at the Class B level and that the audit requirement be relaxed for these carriers. However, as discussed earlier, the FCC may want to consider

Reply Comments - Florida Public Service Commission
September 4, 1998

whether the criteria for determining Class A and Class B accounting should require companies with a significant presence within a state, such as Sprint-Florida, to use Class A accounting for CAM purposes. For the Class A carriers, the FCC plans to maintain the current rules for an annual audit of the CAM. This is due to the fact that "there is a greater risk of harm to consumers and competitors from cross-subsidization among these carriers."⁵ The FPSC also agrees with the FCC's conclusion "that these audits are required to monitor the large incumbent LECs as competition begins to develop in local telephony markets."⁶

In conclusion, the FPSC strongly opposes the movement by some companies to reliance only upon GAAP principles.

In addition, the FPSC raises concerns for the FCC's consideration as to changing the Class A accounting criteria. The FPSC would recommend that the FCC consider whether the Telecommunications Act may be appropriately implemented when a company with a significant presence within a state would no



⁵ Ibid., paragraph 12.

⁶ Ibid.

Reply Comments - Florida Public Service Commission
September 4, 1998

longer fall within the more rigorous Class A accounting
requirements.

Respectfully submitted,



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DATED: September 4, 1998

Reply Comments - Florida Public Service Commission
September 4, 1998

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the matter of:)	
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_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Reply Comments of the Florida Public Service Commission were furnished this 4th day of September, 1998, to the parties on the attached service list.


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